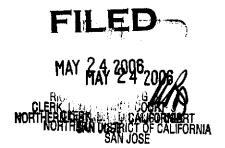
1 ROBERT E. CAREY, JR., ESQ. (SBN 47556) CAREY & CAREY 706 COWPER STREET P.O. BOX 1040 3 PALO ALTO, CA 94302-1040 650/328-5510 650/853-3632 FAX 5 Attorneys for Defendant YASENIA DE LUNA



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## IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

YASENIA DE LUNA, ET AL.,

Defendants.

CASE NO. CR 06-70237 PVT

STIPULATION TO CONTINUE
DEFENDANT YASENIA DE LUNA'S
INITIAL APPEARANCE BEFORE
THE NORTHERN DISTRICT OF
CALIFORNIA, AND [proposed]
ORDER THEREON

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It is hereby stipulated by and between counsel for the UNITED STATES, MATTHEW A. LAMBERTI, ESQ., and counsel for Defendant. YASENIA DE LUNA, ROBERT E. CAREY, JR., ESQ., that the date set for initial appearance of Defendant DE LUNA in the Northern District of California of May 25, 2006, be continued until June 29, 2006, at 9:30 am.

Ms. DE LUNA underwent surgery last Thursday, May 18, 2006, and is unable to travel for a two week period of time. Defendant's counsel is unavailable on June 8, June 15, and June 22.

The parties further AGREE AND STIPULATE that the period of time from May 25, 2006 through and including June 29, 2006, shall be excluded from the period of time within which an indictment or information must be filed under the Speedy Trial Act, 18 U.S.C. Section 3161, et seq. because the defendant needs additional time for continuity of counsel, to recuperate from surgery, and to arrange for the transportation from the District

of Colorado to the Northern District of California. 1 The parties also AGREE AND STIPULATE that the Court should enter the 2 3 accompanying proposed order. IT IS SO STIPULATED. 4 **CAREY & CAREY** 5 DATED: May 24, 2006 6 7 E. CAREY, JR., Attorneys for Defendant YASENIA DE LUNA 8 9 UNITED STATES OF AMERICA DATE: \_\_\_\_\_, 2006 10 11 12 MATTHEW A. LAMBERTI, Assistant U.S. Attorney 13 14 15 16 17 <u>ORDER</u> 18 Based upon the foregoing and good cause appearing therefor, the Court finds 19 pursuant to Title 18 United States Code, Sections 3161(h)(1)(G), (h)(1)(H), and (h)(8)(A), 20 considering the factors set fort in Section 3161(h)(8)(B), that the interests of justice in 21 granting this continuance outweigh the defendant's and the public's interest in a speedy 22 trial inasmuch as the defendant needs additional time for continuing of counsel, to 23 recuperate from surgery, and to arrange for transportation from the District of Colorado to 24 the Norther District of California, the initial appearance date for Defendant DE LUNA of May 25 25, 2006, be vacated, and that a new initial appearance date in the Northern District of 26 California be calendared for June 29, 2006, at 9:30 am. 27 IT IS FURTHER ORDERED THAT the period of time from May 25, 2006 through 28

and including June 29, 2006 be excluded from the period of time within which an indictment or information must be filed under the Speedy Trial Act, 18 U.S.C. Section 3161 et seq. IT IS SO ORDERED. MAGISTRATE JUDGE RICHARD SEEBORG, U.S. DISTRICT COURT